G.F. 12.

192 S

Department of Rev.

OFFICE of the Board of Rev.

STATION Madras.

Mis No. 2719

K. 2232-/28

Dated 16-8-28

To whom sent		Date	Initial.
	Given for copying		
	Copied		
	Examined		
	Signed	22/8.	
	Given for despatch		
	Despatched		
	Indexed		
Pages in the file cf. 18 N.F. 4	To be destroyed or		

(SUBJECT.)

Lease - Land (S. Kanara) Mangalore - Attavar village — Mangalore Ladies Club - Reduction of rent - Request negatived — Existing tenancy to Continue - G.O. Communicated

Not to be filled in in the case of permanent records.

BOARD OF REVENUE
15 NOV 1927
LAND REVENUE & SETTLT.
GOVERNMENT OF MADRAS

Revenue Department.

Memorandum No.3333 A/27-1, dated 12th November 1927

Lease - Land (South Kanara) - Mangalore - Attav.. village - Mangalore Ladies' Club - Reduction of rent - Representation.

In G.O. Mis.1417, Revenue dated 23rd June 1921 the Government sanctioned the grant to the Mangalore Ladies' Club of a tenancy at will in respect of 1.18 acres of land ~~in respect of 1.18 acres of land~~ in Attavur village, Mangalore town, subject among other conditions to the condition of payment of ground-rent annually. In the draft lease deed submitted with the Board's Reference No.C 3367-21-1 dated 16th September 1921 the Board of Revenue suggested a sum of Rs.118 as the ground-rent to be levied on the site. The draft lease deed with the ground-rent of Rs.118 suggest by the Board of Revenue was approved by the Government in G.O.No.2890 Mis. dated 27th December 1921. The Club has now made representations that the ground-rent fixed for site is too heavy for an 'infant' institution to bear and requested that the rent should be reduced. The Board of Revenue is requested to offer its remarks at an early dat on the request made by the Club.

D.D.Warren,

Under Secretary to Government.

To the Board of Revenue, Land Revenue and Settlement.

F o r w a r d e d

(By Order)

13-27-1 8/16/11/27

d to the Collr. of Canara for early report s.r.14/11.

16.11.27

Issue 16.11.27

Despatched 18.11

E Padmanabha Iyer 14/11/27
Superintendent.

Collr. S. Kanara 9/12/27 17.11

D.Dis. 9531-27.

South Kanara Collector's Office,
Mangalore, Dated 27th November, 1927.

From

E. M. Gawne, Esquire, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Revenue & Settlement,
M a d r a s.

Sir,

Lease - Land : (South Kanara District) - Mangalore Attavar village - Mangalore Ladies Club - Reduction of ground rent - Report submitted.

Board's Reference No.B. 6415/27 -, dated 16-11-1927.

The rate of ground rent of Rs 100/- per acre already fixed in this case was the one adopted at that time for all similar lands in the Mangalore Municipality granted as town sites. The Club has been granted only a tenancy-at-will in respect of the land subject to the payment of ground rent at the said rate. The question whether this rate is too heavy for the institution which has nothing to fall back upon except the subscriptions and donations of its members can best be decided by a perusal of the Club's annual accounts, which I have not seen. I cannot admit the accuracy of the term 'infant' as applied to the Ladies Club in view of its litigious propensities. If it can conduct a civil suit against its neighbour with such energy and animus it must have considerable funds behind it. I recommend no concessions while the suit continues. Please see B.P.Mis.1955, dated 18th July, 1927. If 'infants' are precocious they must expect to be treated as grownups

p.9 of (R)
Mis 12 of 1912

Your obedient servant,

For Collector.

U.S. 28-11-27.

R. F. XXII-A-19.—25,004—5-2-27. (6)

Subject.—

FOR MEMBER.

assessment — Ground rent (South Kanara) — Manjalore Ladies' Club — Reduction.

READ AGAIN B. P. No. _____ dated _____ 192

" " " _____ " _____ 192

READ ALSO :—

Register No. _____, From the B. 6413. 27 No. _____; dated _____ 192

" " p. 2 " " " B. 6737. 27 " " 192

" " 11th Nov 1927 " " " " 192

RESOLUTION. (Ref: B No. 6413; dated 1. 8. 28 - 12- 192)

The collector reports that the rate of ground rent fixed in the present case at Rs. 100 per acre was the one adopted for all similar lands in the Manjalore municipality Granted as town site A civil suit is pending in the Dt. Munsiff's Court in regard to a right of way alleged to exist in one of the survey fields covered by the tenancy at will and the Board has sanctioned its deferment. As the Club's accounts are

said to have been filed in the Court, it has not been possible for the Collector to find out the financial position of the association and decide whether the rate of ground rent already fixed is really too high to be borne by it. The Board agrees with the Coll. ~~in stating~~ that the question of reducing the ground rent prayed for by the club may be dropped for the present

(40) DEO 12/12

9.12.12

12/12

To the Secy to Govt

R.D

15/12

TGR 14/12

Revenue Department.

Memorandum No. 3333 A/27-2 dated 19th December 1927

Assessment -Ground rent -(Kanara South) - Mangalore Ladies Club- Reduction - Board's Reference No.B.6413/27-1 dated 13-12-27

In its reference read above the Board of Revenue has stated that a civil suit is pending in the District Munsif's court concerning a right of way in one of the survey fields granted to the Mangalore Ladies Club on a tenancy at will, and that the Board has sanctioned its defenc The Board is requested to report how the Government are interested in the suit. The Board is also requested to send a copy of Boards Proceedings Mis.1955 dated 18th July 1927 referred to by the Collector in his letter to the Board D.Dis 9351-27 dated 27th November 1927.

D.D.Warren
Under Secretary.

To

The Board of Revenue, Land Revenue and Settlement.

F o r w a r d e d.

(By order.

E Padmanaban
20/12/27
Superintendent.

S.R.

Assessment Ground rent - (S Kanara
Mangalore Ladies' Club - Reduction
Suit for right of way
circumstances reported.

Agenda 1st 14(2)
11/30
9w/xd
12-1

Ref: B. no. 6413-27-39 11-1-2

With reference to the memorandum of Govt read above, the Board submits that subsequent to the orders of Govt in G.O no 1417 Mis dt 23.6.1921 sanctioning the grant to the Mangalore Ladies' Club of a tenancy-at-will in respect of the land, one Mr Piras B. Saldanha claimed before the Coll of S Kanara a right of way over the land. The Coll held that the claim was unmaintainable and declined to reserve any portion of the land for a pathway. An appeal against this order was rejected by the Board on 26.10.21. It was subsequent to this that the draft form of the tenancy-at-will was approved by Govt in their order no 289 dt 27.12.24. No reservation

4-22 (I)
F 3 of 26.1.91 Mis (L) 26.10.21
F 9 of 31.1.25 Mis (G) 5.1.25

in the Draft or any pathway running through the land in question. Mr Saldanha thereupon filed a civil suit against the Govt and the Mangalore Ladies Club, for establishing his alleged right of way over the land. As the Coll on enquiry and inspection found that Mr Saldanha's claim was groundless and as any decision in the Suit adverse to Govt would be binding on them if they remained Ex parte, the Board sanctioned the defence of the suit. In this connection a copy of Mr Ellis's note Reg. PR No 2051/Rev/10 of 15.10.11 is submitted for perusal

BP. 1955 Mis (R) 18.7.27

Pp 11–12 of B(L) BP. 1191 Mis 1911

2. Before obtaining the orders of the Board, the Coll made an attempt to compromise the suit. The compromise fell through as the Ladies' Club would not agree to it. The BS understands that an appeal has been filed against the DJ Munsiff's order rejecting the Compromise application. The question of opposing the appeal is under consideration.

Pp 2+4 of (P)

3. A copy of BP. 1955 Mis of 18.7.27 (R) is herewith submitted as desired.

10.1.28

Submitted

Taken up P.T. Rd P.T.

To the Secretariat with a copy of a copy of Mr Ellis's note

BOARD OF REVENUE & SETTLEMENT
24 APR 1928
GOVERNMENT OF MADRAS

8

Bes
24 APR. 1928

Revenue Department.

B 3601

Memorandum No.3333 A/27, dated 23rd April, 1928.

Lease - Land - South Kanara - Mangalore - Attavur village - Mangalore Ladies' Club - Reduction of rent - Board's Reference B. 6413/27 dated 13th December 1927.

3-4f

I

In G.O. Mis. 1417 Revenue, dated 23rd June 1921 the Government sanctioned the grant to the Mangalore Ladies' Club of a tenancy at will in respect of 1.18 acres of land in Attavur village, Mangalore town, subject among other conditions to the condition that ground rent would be paid annually. Land required by Clubs and Associations is now ordinarily alienated when its permanent occupation is not objectionable. When only temporary occupation can be permitted licenses to use the land are ordinarily issued. In the present case there appears to be no necessity for continuing the unusual tenure of a tenancy at will. The Government are of opinion that in accordance with the present practice the land should be alienated to the Club. The Government observe that the Collector originally recommended the alienation of the land. The Board of Revenue is requested to report whether the Club is willing to exchange the present title and to have the land alienated to it subject to the payment of ground rent at Rs. 6-4-0 an acre revisable at resettlements and subject also to the usual conditions of alienation under Board's Standing Order 24.

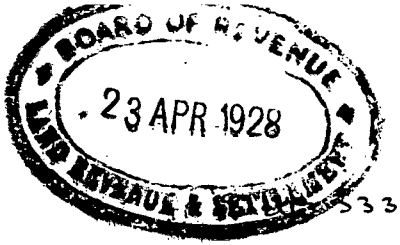
J.F.Hall,
Secretary to Government.

To the Board of Revenue,
Land Revenue and Settlement.

Forwarded
(By Order)

P. Karmikaralu Chetty 23.4.28
Superintendent.

S.R.S. 23/4.



9 B38-24

23 APR. 1928

3333. A/28 & 19.4.28

The proposal is still under consideration of Govt.

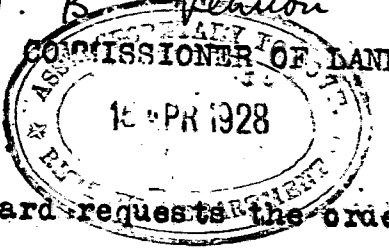
Rev Secy
Fort St. George

Rev Dept

Rev 410 F
Ag 16.3.2

H.A.B. Vernon Esquire, I.C.S.

COMMISSIONER OF LAND REVENUE.



Reference No. B

The Board requests the orders of Government on its reference noted below.

for Secretary

To the Under Secretary to Government, Revenue Dep

Reference No. B. 6413-27-3 dated

Subject:- Assessment remission (S. Kanara)
Mangalore Ladies Club reduction of rent.

(om. 3333 A/27-2 dy 19-12-1927)

AS(4.14)

Lease: Land (Kanara South)

Mangalore tic: Altanar vgc

Mangalore Ladies' club.

B 6737 — Q p. 2 cf:

B 8601 — A p. 8 cf

Refce: 136.4.13/27-4 07.26.4.28

Referred to the Collr. of S. Kanara for an early report.

26.4.28.

Collr. of S. Kanara.

27 APR 1928

Rev 12 DEPARTMENT. C.F. 98.

REMINDER. _____ Branch. **REPLY.**

To The- collector of S. Canara.

The undersigned ~~has the honour to invite~~ is directed to invite invites attention to the communication noted in the margin and to request that this reminder may be returned ~~at once~~ with formation as to—

Ref: B No. 6413/27-4 dated 26.6.28

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

~~(3) the circumstances which have caused the delay.~~

2. It is requested that the reply to this reminder may be sent not later than 15.6.28.

Office B of Rev

Station Madras

Dated 4.6.28

H. Ramachandra Rao
Signature.
for Secretary
Designation.

SUBJECT.

Lease: Land - Mangalore tlk. Altamar vge. Mangalore Ladies Club.

AS(LR) Filed. Next reminder on 30.6.28 if necessary

To The Secretary to the Bo
Land Revenue &
Ma
Sir,
The paper is pendin
the Honorary Secretar
the Ladies Club. I
requested her to se
reply not later Th
12th instant. I shall s
my report soon af
5.6.28. receipt of her re

Thy 11/6 Lr 12.6.28.

7-JUN-1928

Collec
2/6/28

D.Dis. 5905-28. South Kanara Collector's Office,

Mangalore, Dated 14th June, 1928.

From

C. G. Herbert, Esquire, I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement.

BOARD
16 JUN 1928

Sir,

Lease - Land - Mangalore Taluk - Attavar village - Mangalore Ladies Club.

Board's Reference B. 6413/27-4, dated 26-4-1928.

I asked the Honorary Secretary of the Ladies Club whether the club is willing to exchange the present tenancy-a will for an alienation of the land subject to the payment of ground rent at Rs 6-4-0 per acre revisable at resettlement and subject also to the following conditions. -

(1) If the land is not used for the specific purpose for which it was granted, or the conditions on which it was granted cease to be fulfilled. or if in the opinion of Government the land is required for a public purpose or for conducting mining operations the Government may resume it, and in the event of such resumption if there are buildings on the land, the Government may at their option either.-

(a) purchase the buildings.

(b) allow the grantee to purchase the land at its value on the date of sale.

or (c) direct the grantee to remove the buildings.

(2) In he event of the resumption of the land followed by purchase of the buildings under (1) (a) or in the event of the acquisition of the land for any other reason, the compensation payable therefor shall in no case exceed the amount, if any, paid to Government for the grant together with the initial cost or value at the time of resumption or acquisition, whichever shall be less, of any buildings

erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. When the grantee is directed to remove the buildings under (1) (c) the value if any, paid for the grant shall be refunded to him.

(3) In the event of the grantee refusing to remove the buildings when so directed under clause 1 (c) the Government may remove them and realise the cost of removal by the sale of the materials.

(4) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee.

2. In her letter, dated 11th June 1928 (copy enclosed) the Honorary Secretary of the club states that the club is agreeable to have the land alienated to it subject to all these conditions except conditions (1) (c) and (3). The club objects to the latter two conditions on the ground that the present tenancy-at-will provides for the payment by Government of the value of the buildings and a well in the event of the determination of the tenancy and it is not prepared to lose this benefit by taking an alienation which might at any time be resumed and the club asked to remove the buildings.

3. There is some force in what the Honorary Secretary says, but since the club is obtaining an alienation of the land which is valuable free of any initial value, it should I think be prepared to incur the possible loss involved in accepting the conditions to which it objects. Should it become necessary at any future time to resume the land it is quite possible that the club will demand an excessive value for the buildings and other improvements; In the absence of the conditions to which the club objects the resumption of the land will then become a matter of some difficulty and may possibly involve Government in litigation. I am therefore not in favour of omitting these conditions.

Copy of letter dated 11th June. 1928
From - The Honorary Secretary, Ladies' Club, Mangalore.
To - The Collector of South Kanara, Mangalore.

Lease-land - Mangalore Taluk -Attavar village

Mangalore Ladies' Club.

With reference to your letters dated 25th May and 1st instant, I am directed to inform you that the Club is agreeable to take an alienation of the land subject to the payment of ground rent at Rs 6-4-0 an acre revisable at resettlement and subject also to the conditions of alienatio under Board's Standing Order 24 communicated with your latter under reply, except that the Club is not prepared to accept clause (c) of condition No.(1) and condition No.(3). You may be pleased to observe that one of the terms of the present tenancy at will is that the Government has to pay the value of the buildings and a well in the event of the determination of the tenancy and the Club is not prepared lose the benefit of this condition by taking an alienatio which might at any time be resumed and the grantee asked t remove the buildings.

A.S.(L.R.)

FOR MEMBER.

Subject.— Lease - land - (S. Kanara) - Mangalor Attavar village - Mangalore Taluk

R. F. XXII-A-19.—22,004

READ AGAIN B. P. No. _____ dated _____ 192 .

" " " _____ , " _____ 192 .

READ ALSO :—

Register No. K.2232/28 From the Coll^r of S. Kanara, No. A _____ with enclo. (PP 13

", _____ " ", _____ , " _____ ", _____ 192

" ", _____ ", " ", _____ , " _____ , " _____ 192

Ref to Govt

1 - 7

HC
6.7

(P.8 cf.)

RESOLUTION. Refee No. K.2232/28-1 dated 6. 7 - 1928

Refee-Govt Memo^m No. 33

A/27 dated 23-4-28

Submitted to Govt

2/. The Board sees no reason why the land should not be alienated, ~~but~~ yet recommends that all the usual condition of alienation should be imposed.

(F.O.) 6.7.28

NS
5.7.28

B
5.7.28

To The Secy to Govt. R.D

M
9.7

GOVERNMENT OF MADRAS
BOARD OF REVENUE
14 AUG 1928
LAND REVENUE BRANCH

Sectt. II-15 (a)—34,000 -25-10-27.

R44064

Received ..... 192 Registered 14 AUG. 1928 192

Abstract.

Lease - Land - (South Kanara) - Mangalore - Attavur village - Mangalore Ladies Club - Reduction of rent - Request negatived - Exist: ~~tenancy~~ tenancy to continue.

Revenue DEPARTMENT.

G.O. No. 1859 Mis. dated 11th August 1928.

READ the following papers:—

ENCLOSURES.

No.

G.O.No.1417 Revenue, dated 23rd June 1921.

From the Board of Revenue, Land Revenue and Settlement, Ref.No.K.2232/28-1, dated 6th July 1928.

ORDER:-

In G.O.No.1417 Revenue, dated 23rd June 1921 the Government sanctioned the grant to the Mangalore Ladies' Club of a tenancy-at-will in respect of 1.18 acres of land in Attavur village situated within the limits of Mangalore town, subject among other conditions, to the payment of ground rent revisable at resettlements. In October 1927, th club made representations that the ground rent of one rupee per cent which was levied from it annually was very heavy a requested that the rent should be reduced.

2. The Government were of opinion that, in accordance with the present day practice the land should be alienated favour of the club and requested the Board of Revenue to re port whether the club was willing to exchange the present title for an alienation of the land subject to the payment ground rent at Rs.6-4-0 an acre revisable at resettlement and subject also to the usual conditions of alienation un

Boards Standing Order 24.

3. The club has agreed to have the land alienated to it but refuses to accept all the conditions of alienation. The Collector of South Kanara and the Board of Revenue have recommended that all the usual conditions should be enforced. In the circumstances, the Government consider that the proper course is to let the existing tenancy continue.

4. The Board of Revenue is requested to inform the club accordingly.

(By Order of the Governor in Council)

D. N. Strathie

Acting Secretary to Government.

To the Board of Revenue, Land Revenue and Settlement.

F o r w a r d e d.

(By Order)

V. Ramaswamy
18.8.28.

Superintendent.

K. 2232 - A. (MP 17-18 Cf)

K. 4064 - A. (MP 17-18 Cf)

Res (Mts) 2719/1682

Communicated to the Collr of S. Kanara

2/ His attention is invited to para 4 of the G.O. and he is requested to inform the club of the Govt. order

15.8.28

To the Collr of S. Kanara.

Lease Assessment - Ground rent (S. Kana manpalone Ladies' club — Reduction requested.

B. 6737-2:

To A.S.

Please see the Govt memo at page 1 c/f and the Coll.'s report at pale 2 c/f. in reply

2. the annual rent of the lease land was fixed at Rs. 100 an acre with reference to similar town sites in the vicinity granted at the same time as the club in Quest the Coll. does not recommend any spl. concession in this case and he has not seen the club's accounts for understanding the financial position, apparently because they have been filed in the Civil Court. — (Please see last sentence of para 4 at pale 15 of (Q)).

Pending the disposal of the suit the defence of which was sanctioned by the Board in its proceedings at pale 75 of (Q) and pending scrutiny of the club's accounts thereafter, it seems unnecessary to consider the request of the Club for a reduction of Gr. rent & the Govt may be informed accordingly.

R. C HAKI 4-12-37 5.12.37

6.12.37.

7/12

To A.S.

Draft Submitted

L
9.12.27.

Dy
5/12/27

Draft issued 13.12.27. p.3 ex.
Memorandum from Govt R.D. p.4 ex.

To A.S.

A.S.

Submitted

Dy
21.12.27

With reference to the memorandum of Govt at p 5 ex a draft reply explaining the circumstances of the case is submitted below for approval

L
10.1.28.

6.1.28

S.

A.S.(L.R.) Alienation - land (South Kanara) - Mangalore Taluk - Attavar village - Mangalore Ladies Club.....

P.8 cf. ..... B. 3601-28 .....

P.11 cf. ..... Bds' Refce of 26.4.28 .....

P.13 cf ..... Letter from the Colle. dt 14-6-28 (K.2232/28)

To Assistant Secretary

..... Please see Govt Memo^m at P.8 cf, and the Colle's letter at P.13 cf .....

..... The Colle reports that the club is willing to exchange the present tenancy-at-will for an alienation of the land subject to the payment of ground-rent at Rs 6-4-0 per acre and also subject to all other Conditions except (1)(c) and (3) at P.13 & 14 cf. As the tenancy at-will provides for the payment by Govt of the value of the buildings in the event of the determination of the tenancy, the club is not willing to lose this benefit by agreeing to these Conditions of alienation. (Please see Hony Secretary's letter at P.15 cf). The Colle is of opinion that as the club is obtaining an alienation of the land which is valuable free

P.11 to 14 of (R)

P 13 of (R)

of any metal value, it should be prepared to incur the possible loss involved by accepting the two Conditions, it objects to. He further adds that the absence of these Conditions may possibly involve Govt. in litigation and is not in favour of omitting these Conditions As the Collectors view seems to be Correct it is for orders whether his view may be agreed to and Govt informed accordingly.

For orders.

R Balasubramanian 27.6.28.

To see Govt's letter dated 27.6.28. & informed accdly

28.6.28

27.6.28.

Govt. may be informed that the Bd. sees no reason why the land shld. not be alienated but that it recommends that all the usual conditions of alienation shld be imposed.

27 3/7

To A.S.(L.R.)

Draft submitted

5.7.28 6.7.28.

6.7.28